

**EXHIBIT**

**1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

DEBORAH RASBY and DOUGLAS  
RASBY, husband and wife,

Plaintiff,

v.

JAMES D. PILLEN, an individual,

Defendant.

Civil Action No. 8:15-cv-226

**AFFIDAVIT OF TIMOTHY R.  
ENGLER IN OPPOSITION OF  
PLAINTIFF'S MOTION TO COMPEL**

STATE OF NEBRASKA

COUNTY OF LANCASTER

)  
)ss.  
)

I, Timothy R. Engler, being first duly sworn under oath, state and affirm as follows:

1. My name is Timothy R. Engler and I am an attorney in the law firm of Rembolt Ludtke LLP, 3 Landmark Centre, 1128 Lincoln Mall, Suite 300, Lincoln, NE 68508.

2. I am over the age of 18 and have personal knowledge of the facts contained in this affidavit.

3. Rembolt Ludtke represents Defendant, James D. Pillen, in the above-captioned case.

4. This Affidavit is submitted in connection with the introduction of evidence in opposition of Plaintiff's Motion to Compel.

5. This matter arises out of Plaintiff Deborah Rasby's ("Rasby") Motion to Compel, which asks this Court to compel Defendant to provide additional answers to Plaintiff's Interrogatory Nos. 14 and 22 and leave to serve a subpoena on an accounting firm. Defendant objected to both the issuance of the subpoena and the interrogatories on the grounds that the discovery requests were both overbroad and not proportional to the needs of this case.

6. Specifically, Defendant timely objected to issuance of the subpoena to the extent it sought the production of documents related to James D. Pillen personally and entities in which Plaintiff never held an ownership interest in. Defendant objected on the grounds that the subpoena sought confidential and proprietary information not relevant to the case and not proportional to the needs of this case. A true and correct copy of Defendant's Objection is attached hereto as **Attachment A**.

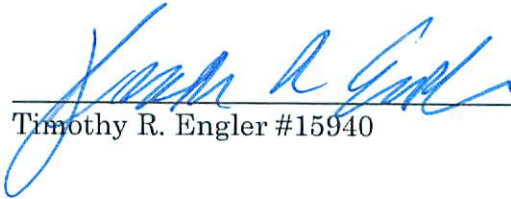
7. In response to Defendant's objections, counsel for Plaintiff and counsel for Defendant exchanged a series of communications in an attempt to resolve Defendant's objections to the subpoena. Plaintiff and Defendant agreed that, as an alternative to a broad records request, Plaintiff would issue narrowly tailored interrogatories on Defendant and request specific information she believed relevant to her claims and defenses.

8. On July 11, 2016, Defendant responded in good faith to Plaintiff's interrogatories.

9. Filed herewith is an Index of Evidence in Opposition to Plaintiff's Motion to Compel containing true and correct copies of the following documents:

<b>Exhibit No.</b>	<b>Description</b>
1	Affidavit of Timothy R. Engler
2	Affidavit of James D. Pillen
3.	Plaintiff's Initial Disclosures

DATED: September \_19, 2016

  
\_\_\_\_\_  
Timothy R. Engler #15940

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 19<sup>th</sup> day of  
September, 2016, by Timothy R. Engler



  
\_\_\_\_\_  
Notary Public

4814-4657-2600, v. 1

ATTACHMENT  
AIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKADEBORAH RASBY and DOUGLAS,  
RASBY, husband and wife,

Plaintiff,

v.

JAMES D. PILLEN, an individual,

Defendant.

Civil Action No. 8:15-cv-226

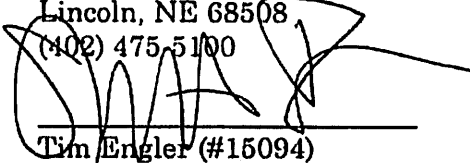
**OBJECTION TO NOTICE OF  
INTENT TO SERVE RULE 45  
SUBPOENA**

Defendant James D. Pillen, by his attorneys Rembolt Ludtke LLP, and pursuant to the provisions of NECivR 45.1(b), objects to the issuance of the subpoena referenced in Plaintiff's Notice of Intent to Serve Rule 45 Subpoena (Doc. 50).

Defendant objects to the subpoena to the extent it seeks the production of documents relating to James D. Pillen, Pillen Family Farms, Inc., Pillen Holdings, LLC, Bartlett Foods, Bartlett Food Feed Mill, GGP, LLC, Danbred Production, LLC, Danbred PMG, Inc., Imperial Foods, LLC, Inland Foods Partnership, Platte Center West, LLC, JDP, LLC, Inland Feed Mill, Humphrey Equipment, LLC, O'Neill Finishers, LLC, and/or PST Vet Services. Defendant objects to the issuance of the subpoena for the reasons that it seeks confidential and proprietary information not relevant to this case and not proportional to the needs of this case. Unlike Plaintiff, Defendant has not put his personal financial status in issue. Defendant's personal financial statements have no relevance to this case as the crux of the case revolves around Plaintiff and Defendant's ownership in certain specified entities. None of the above-listed entities are at issue in this case. At no time did Plaintiff ever hold an ownership interest in any of the above-listed entities and therefore information pertaining to those entities is neither relevant nor proportional to the needs of the case.

DATED: March 17, 2016

JAMES D. PILLEN, Defendant.

By: REMBOLT LUDTKE LLP  
3 Landmark Centre  
1128 Lincoln Mall, Ste. 300  
Lincoln, NE 68508  
(402) 475-5100  
By:   
Tim Engler (#15094)  
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Sheila A. Bentzen (#25020)  
[sbentzen@remboltlawfirm.com](mailto:sbentzen@remboltlawfirm.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 17, 2016, he caused a true and correct copy of the foregoing to be sent by email and by ordinary United States mail, first class postage prepaid, addressed to the following:

James D. Sherrets  
Diana J. Vogt  
Robert S. Sherrets  
SHERRETS BRUNO & VOGT LLC  
260 Regency Parkway Drive, Suite 200  
Omaha, NE 68114

  
Sheila A. Bentzen